



### Question:

When my brother died he left behind a substantial amount of life insurance and his wife was the beneficiary.

He had [children](#) from a previous relationship and his intention was for his kids to receive a portion of the insurance. His wife knew this but has refused to make appropriate arrangements to have the children receive some of this money.

Do the children have any legal recourse against their stepmom?

### Answer:

I am unable to give you [legal advice on divorce](#). I can only give general [divorce help for men](#) , though, my knowledge is based on Missouri divorce laws where I am temporarily permitted to practice.

Since I am not aware of all of the underlying facts in your case, it may be difficult to establish that your brother's children are entitled to the insurance proceeds. Unless there is a will and/or trust expressly indicating what your brother's intentions were with regard to the proceeds, his children may not have any legal recourse, especially since they are not named as [beneficiaries](#) under his policy.

While it may be possible for your brother's children to dispute the named life insurance beneficiary, whether the court would entertain such a cause of action in your [jurisdiction](#) is unknown.

In other words, the life insurance company can never decide for themselves whether the family member's or challenger's claim is legitimate and the named beneficiary should be changed; only the courts can make that decision.

**Divorce Resources:**

[Estate Planning and Asset Protection](#)

If your state's laws support such a cause of action, the court may decide, after hearing all of the evidence, to uphold the originally named beneficiary or it could agree that the beneficiaries should have been your brother's children.

For further information, I recommend that you speak with an attorney in your state who can advise you as to what rights, if any, your brother's children may have with respect to his insurance proceeds.

Remember, I am unable to provide you with anything more than [divorce tips for men](#) .

*To arrange an initial consultation to discuss divorce rights for men with a Cordell & Cordell attorney, including [Jennifer de Lyon Stralka](#) , a St. Louis divorce lawyer, [contact Cordell & Cordell Law Firm](#)*